

SUBMISSION OF PETITION FOR REVIVALDocket Number:
004524.P019

First named inventor: John J. Schuster

Application No.: 09/888,244

Art Unit: 2151

Filed: June 23, 2001

Examiner: Not Yet Assigned

Title: DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL TELECOMMUNICATION SYSTEM

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Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

MAY 16 2003

OFFICE OF PETITIONS

Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition is being hand-delivered for immediate consideration. The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. Please debit any additional charges or credit any overpayments to our Deposit Account No. 02-2666. An extra copy of the Fee Transmittal is enclosed for this purpose.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

May 15, 2003

Date


Signature

Telephone

Number: (206) 292-8600

Cory G. Claassen

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
Telephone Number: (408) 720-8300

50,296

Registration No.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number:
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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF
THIS APPLICATION UNDER 37 CFR 1.137(b)**

1. Petition fee

- Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity – fee \$1,300.00 (37 CFR 1.17(m)).
- The Director is hereby authorized to charge the indicated fees and credit any overpayments to Deposit Account No. 02-2666.
- Fee is enclosed.

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is February 22, 2002.

(Page 1 of 2)

SEND COMPLETED FORM TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 15, 2003
Date


Signature

Telephone
Number: (206) 292-8600

Cory G. Claassen
Typed or Printed Name

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Registration No.

Enclosures: Fee Payment
 Additional Sheets containing statements establishing unintentional delay
 Other: Submission of Petition for Revival; Return Postcard